

A Caucus meeting of Borough Council was held at 7:30 PM, Monday, September 22, 2014. Mayor Frank North presided. Pledge of Allegiance and Silent Prayer were observed. Announcement was made that the meeting had been advertised in accordance with the regulations prescribed by the "Open Public Meetings Act".

**ROLL CALL:** Council Present: Fields, Volkert (7:40), Brennan, Sperrazza and Perno (7:35). Clerk Brouse, CFO Moules and Attorney Higgins were present.

#### **PUBLIC**

Merchantville School Bond Referendum Presentation -ROD grant will provide 40%, School must fund the 60% by bond-Note, handouts were provided. 2 million dollar cost, 1.6 million to have tax payers pay. Maintenance plan in place. Last bond was in 1996. Letter of endorsement will be sent to borough residents.

**ENGINEER REPORT:** Engineer provided written report.

#### **DISCUSSION ITEMS:**

**Use of 9 S. Centre by St. Joseph's Carpentry**-on hold

**Bid for Boiler at Borough Hall**-retroactive heater funds from the energy program?

**Best Practice**-meeting to discuss

**OEM mitigation workshop**-Plans rewritten every 5 years

#### **NEW BUSINESS:**

**Resolutions for approval by consent agenda at tonight's meeting**-On a motion by Mr. Perno and second of Mr. Volkert, council approved the following resolutions:

##### **Resolution No. R14-95**

**Resolution:** Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the FY2015 NJDOT Trust Fund - Reconstruction of Gilmore Avenue & E. Cedar Avenue project.

**NOW, THEREFORE, BE IT RESOLVED** that Council of Merchantville formally approves the grant application for the above stated project.

**BE IT FURTHER RESOLVED** that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as (enter here the application ID from NJDOT SAGE \_\_\_\_\_) to the New Jersey Department of Transportation on behalf of Borough of Merchantville.

**BE IT FURTHER RESOLVED** that Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of Borough of Merchantville and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

##### **R14-96**

##### **BOROUGH OF MERCHANTVILLE, NEW JERSEY**

**RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN, NEW JERSEY AUTHORIZING THE ISSUANCE AND SALE OF UP TO \$52,800 OF SPECIAL EMERGENCY NOTES OF THE BOROUGH OF MERCHANTVILLE; MAKING CERTAIN COVENANTS TO MAINTAIN THE EXEMPTION OF THE INTEREST ON SAID NOTES FROM FEDERAL INCOME TAXATION; AND AUTHORIZING SUCH**

**FURTHER ACTIONS AND MAKING SUCH DETERMINATIONS AS MAY BE NECESSARY OR APPROPRIATE TO EFFECTUATE THE ISSUANCE AND SALE OF THE NOTES BACKGROUND**

**WHEREAS**, the Local Budget Law, Chapter 169 of the Laws of the State of New Jersey, as amended and supplemented ("Local Budget Law") authorizes, *inter alia*, municipalities to adopt ordinances authorizing special emergency appropriations for a complete program of revaluation of real property in the Borough; and

**WHEREAS**, the Borough Council ("Council") of the Borough of Merchantville, County of Camden, New Jersey ("Borough"), has duly and finally adopted ordinance 11-08 ("Ordinance") appropriating the sum of \$132,000 to pay the costs associated with the program of revaluation of real property in the Borough ("Project"); and

**WHEREAS**, Section 55 of the Local Budget Law, *N.J.S.A. 40A:2-55*, authorizes the Borough to issue special emergency notes to finance the costs of the Project; and

**WHEREAS**, the Borough has heretofore issued its special emergency notes in the principal amount of \$79,200 to finance the cost of the Project ("Prior Notes"); and

**WHEREAS**, the Prior Notes mature on October 28, 2014; and

**WHEREAS**, Section 55 of Local Budget Law, *N.J.S.A. 40A:2-55*, requires the Borough to pay, at maturity, one-fifth of the total amount authorized under the Ordinance; and

**WHEREAS**, it is the desire of the Borough to issue its special emergency notes in the principal amount of up to \$52,800, as further described in Exhibit "A", the proceeds of which, together with other available funds in the amount of \$26,400, will be used to repay the Prior Notes at maturity; and

**WHEREAS**, pursuant to the Local Budget Law and the Ordinance, it is the intent of the Borough Council to hereby authorize, approve and direct the issuance and sale of such special emergency notes for the Project as further described in Exhibit "A" attached hereto, to ratify and confirm certain actions heretofore taken by or on behalf of the Borough, and to make certain related determinations and authorizations in connection with such issuance and sale.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN, NEW JERSEY (NOT LESS THAN TWO-THIRDS OF THE MEMBERS THEREOF AFFIRMATIVELY CONCURRING), PURSUANT TO LOCAL BUDGET LAW, AS FOLLOWS:**

**Section 1.** Pursuant to the Local Budget Law, the issuance of special emergency notes of the Borough, to be designated, substantially, "Borough of Merchantville, County of Camden, New Jersey, Special Emergency Notes of 2014, Series A" ("Notes"), in an aggregate principal amount of up to \$52,800, is hereby authorized, approved, ratified and confirmed.

**Section 2.** The Chief Financial Officer, with the assistance of the law firm of Parker McCay P.A., Bond Counsel, is hereby authorized and directed to award and sell the Notes at a public or private sale at a price of not less than par, and to deliver the same to the purchaser thereof upon receipt of the payment of the purchase price thereof.

**Section 3.** At the next meeting of the Borough Council after the sale of the Notes, the Chief Financial Officer is hereby authorized and directed to report, in writing, to the Borough Council, the principal amount, rate of interest and the name of the purchaser of the Notes.

**Section 4.** The Notes shall be dated the date of delivery thereof and mature no later than one year from said date. The Notes will not be subject to redemption prior to maturity. The Notes may be renewed from time to time, but shall be paid and mature in accordance with the provisions of Section 55(b) of the Local Budget Law, *N.J.S.A. 40A:4-55(b)*.

**Section 5.** The Notes shall be issued in bearer form in denominations of \$10,000 or greater. The Notes shall be executed in the name of the Borough by the manual or facsimile signatures of the Mayor and Chief Financial Officer, and shall be under the corporate seal of the Borough affixed, imprinted, or reproduced thereon, and attested by the manual or facsimile signature of the Borough Clerk.

**Section 6.** The Notes are ultimately payable from ad valorem taxes that shall be levied upon all taxable real property in the Borough without limitation as to rate or amount.

**Section 7.** The Borough hereby covenants that it will not make any use of the proceeds of the Notes or do or suffer any other action that would cause: (i) the Notes to be "arbitrage bonds" as such term is defined in Section 148(a) of the Internal Revenue Code of 1986, as amended ("Code"), and the Regulations promulgated thereunder; (ii) the interest on the Notes to be included in the gross income of the owners thereof for federal income taxation purposes; or (iii) the interest on the Notes to be treated as an item of tax preference under Section 57(a)(5) of the Code.

**Section 8.** The Borough hereby covenants as follows: (i) it shall timely file, or cause to be filed, with the Internal Revenue Service, such information report or reports as may be required by Sections 148(f) and 149(e) of the Code; and (ii) it shall take no action that would cause the Notes to be "federally guaranteed" within the meaning of Section 149(b) of the Code.

**Section 9.** The Borough hereby covenants that it shall make, or cause to be made, the rebate required by Section 148(f) of the Code in the manner described in Treasury Regulation Sections 1.148-1 through 1.148-11, 1.149(b)-1, 1.149(d)-1, 1.149(g)-1, 1.150-1 and 1.150-2, as such regulations and statutory provisions may be modified insofar as they apply to the Notes.

**Section 10.** The Borough hereby designates the Notes as "qualified tax-exempt obligations" as defined in and for the purposes of Section 265(b)(3) of the Code. For purposes of this designation, the Borough hereby represents that it reasonably anticipates that the amount of tax-exempt obligations to be issued by the Borough during the period from January 1, 2014 to December 31, 2014, and the amount of obligations designated as "qualified tax-exempt obligations" by it, will not exceed \$10,000,000 when added to the aggregate principal amount of the Notes.

For purposes of this Section 10, the following obligations are not taken into account in determining the aggregate principal amount of tax-exempt obligations issued by the Borough: (i) a private activity bond as defined in Section 141 of the Code (other than a qualified 501(c)(3) bond, as defined in Section 145 of the Code); and (ii) any obligation issued to refund any other tax-exempt obligation (other than to advance refund within the meaning of Section 149(d)(5) of the Code) as provided in Section 265(b)(3)(c) of the Code.

**Section 11.** All actions heretofore taken and documents prepared or executed by or on behalf of the Borough by the Mayor, Chief Financial Officer, Treasurer, Borough Clerk, other Borough officials or by the Borough's professional advisors, in connection with the issuance and sale of the Notes are hereby ratified, confirmed, approved and adopted.

**Section 12.** The Mayor, Chief Financial Officer and Borough Clerk are hereby authorized and directed to determine all matters and execute all documents and instruments in connection with the Notes not determined or otherwise directed to be executed by the Local Budget Law or by this or any subsequent resolution, and the signatures of the Mayor, Chief Financial Officer or Borough Clerk on such documents or instruments shall be conclusive as to such determinations.

**Section 13.** All other resolutions, or parts thereof, inconsistent herewith are hereby rescinded and repealed to the extent of any such inconsistency.

**Section 14.** This Resolution shall take effect immediately upon adoption this 22nd day of September, 2014.

#### **R14-97**

### **RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY TO ADVERTISE AND BID FOR BOILER REPLACEMENT AT BOROUGH HALL**

**WHEREAS**, the Borough Council of the Borough of Merchantville desires to replace the boiler in the Borough Hall building; and

**WHEREAS**, bids are required for this purchase;

**NOW, THEREFORE, BE IT RESOLVED**, that approval has been granted for the Purchasing Agent to advertise in the local paper to receive sealed bids for the replacement of the boiler system.

**R14-99**

**RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY REQUESTING CHANGE OF TITLE OF APPROPRIATIONS**

**WHEREAS**, NJS 40A: 4-85 provides that the Director of the Division of Local Government Services may, at the request of, or with the consent of, the governing body of any county or municipality, make such correction of the title, text, or amount of any appropriation appearing in the budget as may be necessary to make said item of appropriation available for the purpose or purposes required for the needs of any county or municipality,

**NOW, THEREFORE, BE IT RESOLVED**, that in accordance with the provisions of NJS 40A:485, the Borough of Merchantville, in the county of Camden, New Jersey hereby requests the Director of the Division of Local Government Services to make the following correction in the 2014 budget:

From: Matching Funds for Grant	Amount: 2,137.50
To: Municipal Alliance on Alcoholism and Drug Abuse	Amount: 2,137.50

**BE IT FURTHER RESOLVED** that the foregoing correction is, in the opinion of the governing body, warranted and authorized by the statute referred to above, and is necessary for the orderly operation of the Borough of Merchantville, in the county of Camden, for the reasons set forth: Municipal Alliance on Alcoholism and Drug Abuse Program is a grant requires a cash match which was included in the 2014 Budget as Matching Funds for Grants

**Ordinance for introduction**-On a motion of Mr. Brennan and second of Mr. Volkert, the following Ordinance was introduced.

**14-07**

**ORDINANCE OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN, STATE OF NEW JERSEY AMENDING CHAPTER 86, VEHICLES AND TRAFFIC, OF THE CODE OF THE BOROUGH OF MERCHANTVILLE**

**BE IT ORDAINED** by the Mayor and Borough Council of the Borough of Merchantville, County of Camden, and State of New Jersey that Article XI of Chapter 86, Vehicles and Traffic, of the Code of the Borough of Merchantville, is amended as follows:

**ARTICLE I. ARTICLE XI. SECTION 86-33 Time purchased.**

A. For the streets described in Schedule VIIA of this chapter, upon depositing the coin or coins as required and placing such meter into operation, such parking space may be lawfully occupied by such vehicle for 12 consecutive minutes for each five-cent coin so deposited, for 24 consecutive minutes for each ten-cent coin so deposited, and for 60 consecutive minutes for each twenty-five-cent coin so deposited; provided, however, that such parking shall be limited to not more than two hours at any one time.

B. For the areas described in Schedule VIII of this chapter, upon depositing the coin or coins as required and placing such meter into operation, such parking space may be lawfully occupied by such vehicle for two consecutive hours for each twenty-five-cent coin so deposited; provided, however, that such parking shall be limited to not more than 10 hours at any one time.

C. The owner of a commercial business within the Borough may purchase a decal from the Borough Clerk for any vehicle owned by it, or a regular employee of the business, which is regularly used in the delivery of goods and services sold by the business, which permits an identified motor vehicle to park in the metered parking spaces as described in Section 86-30 of this chapter, without the requirement to deposit the coin or coins as required, and such parking space may be lawfully occupied by such vehicle without time limitation. The costs of this decal shall be in the sum of \$120.00 per year, per identified motor vehicle.

D. Notwithstanding the provisions of Section 86-33A, for the streets described in Schedule VIIA of this chapter, a meter may be placed into operation and such parking space lawfully required.

E. Failure to deposit such coin or coins shall constitute a violation of this Part 2 and subject such person to the penalty prescribed in Section 86-40.

## **ARTICLE II.**

All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

## **ARTICLE III.**

This Ordinance shall take effect upon passage and publication according to law.

**Resolutions for agenda**-the following are business resolutions that will be included on the agenda for the council meeting:

- Authorization for Camden County HIP to provide HOME funds to Borough candidate
- Cancel outstanding court checks
- Chapter 159 Special Items of Revenue
- Dedication by Rider for outside employment of off-duty Municipal officers
- Dedication by Rider for Fire Safety
- Dedication by Rider for Restitution
- Dedication by Rider for Tax Sale Premiums
- Re-Authorizing Petty Cash custodians and amounts
- Copy paper bid

**Ordinance for adoption**-the following ordinances will be included on the agenda for the council meeting:

**Ordinance for introduction**-the following ordinance will be included on the agenda for the council meeting:

**Private Session R14-98 Matters of Contract Negotiation**-On a motion of Mr. Brennan and second of Mrs. Fields, Council adjourned into private session.

On a motion of Mr. Volkert and second of Mrs. Fields, Council returned to public session.

## **MOTION TO ADJOURN:**

On the motion of Mr. Volkert and second of Mr. Grasso, the meeting was adjourned at 8:57 PM.

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DENISE BROUSE  
BOROUGH CLERK